



**Statement of Leonard Boyle,  
Director,  
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Before the House of Representatives  
Committee on Homeland Security,  
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Good morning Chairman Thompson, Ranking Member King, and members of the Committee. Thank you for the opportunity to discuss the terrorist watch list, or Terrorist Screening Database, and the watchlisting process at large.

Since it began operations on December 1, 2003, the Terrorist Screening Center (TSC) has assumed a critical role in securing our borders and the safety of the American people by providing to the nation's entire screening and law enforcement communities the identities of known and suspected terrorists. As directed by Homeland Security Presidential Directive 6 (Integration and Use of Screening Information), the TSC has combined the 12 previously existing terrorist watchlists and created the United States Government's single consolidated Terrorist Screening Data Base (TSDB). Every day, the TSC provides an updated list of known and suspected terrorists to screeners and law enforcement personnel. The TSC also provides:

- (1) A single coordination point for terrorist screening data;
- (2) A 24/7 call center to provide identification assistance to screening agencies;
- (3) Access to a coordinated law enforcement response for any encounter with a watchlisted person;
- (4) A formal process for tracking all positive encounters;
- (5) Feedback to the appropriate entities;

- (6) A redress process for any individual who believes they have been improperly delayed or otherwise inconvenienced because of the watchlist; and
- (7) A process for removing names from the watchlist when it has been determined they do not have a nexus to terrorism.

The TSC has significantly enhanced interagency cooperation in the post-9/11 culture where information sharing is a MUST. In fact, as the GAO report released on October 24, 2007 cites, “The TSC plays a central role in the real-time sharing of information, creating a bridge among screening agencies.” The TSC has not only assisted in eliminating historical cultural boundaries between and among the intelligence and law enforcement communities, but also has provided a physical mechanism to ensure information sharing is done in an efficient manner.

As the GAO report correctly notes, while great strides have been made there is still room for improvement in the terrorist screening process. I must echo what my colleagues have said many times: In order to be successful in the war on terrorism, we must constantly improve, determining our weaknesses from within, and correcting them. The TSC’s unique position as the U.S. Government’s hub for all terrorist identification information allows the TSC to play a critical role regarding the GAO Executive Recommendations, especially with respect to identifying further screening opportunities while serving in a leadership role for the screening community.

### **TSC Initiatives**

In fact, the TSC has already moved forward in a number of areas, which will result in a more complete and efficient screening process.

- TSC is working hand-in-hand with the Transportation Security Administration (TSA) regarding its “Secure Flight” initiative.
- TSC participates in an interagency working group to identify how to better use biometric data to enhance the screening process.

- While maintaining all privacy rules and policies, TSC is undertaking information technology improvements on several fronts, including ways to increase the ease with which our screening and law enforcement customers are able to access the TSDB.
- In late 2005, TSC initiated, and continues to chair, the Federal Identity Matching Working Group, which includes participation by numerous agencies across the U.S. Government. This group establishes guidelines for the standardized measurement of identity matching and provides common test data and tools to enable agencies to effectively evaluate their systems. Additionally, TSC sponsors on-going independent evaluations of commercial and government search engines, separately and in combination with each other. This will result in improved name matching, a key factor in enhancing TSC's screening system, and facilitate creation of a search service that provides direct TSDB access to other screening and law enforcement agencies.

### **TSC Achievements**

One of the TSC's most recent accomplishments is the September 19, 2007 execution of a multi-agency agreement on the terrorist watchlist redress process. The TSC terrorist watchlist redress process, established in January 2005, provides a full and fair review of any watchlist record that is the cause of an individual's complaint. The redress process seeks to identify any data errors and correct them, including errors in the watchlist itself. The TSC worked with the Privacy and Civil Liberties Oversight Board, and obtained cabinet-level commitments from the heads of participating agencies, to include the Attorney General, Secretaries of State, Treasury, Defense and Homeland Security, the Director of National Intelligence, and the Directors of the National Counterterrorism Center, Central Intelligence Agency, and Federal Bureau of Investigation, to support the redress process with appropriate resources and oversight from senior agency officials. Furthermore, this agreement ensures uniformity in the handling of watchlist related complaints and demonstrates the United States

Government's commitment to protecting national security consistent with privacy and civil liberties.

The TSC has also become a premier entity on the forefront of the global war on terrorism by establishing formal information sharing partnerships with our allies. The TSC has thus far signed agreements with six nations. These agreements provide our allies with access to the world's most comprehensive tool to identify terrorists, and we are the beneficiaries of their terrorist identity information. We continue to work with our allies to share information more efficiently, and those information gaps are shrinking rapidly. As a result, it is becoming much more difficult for terrorists and their supporters to hide. By teaming up with our foreign counterparts, we have effectively broadened the net with which known and suspected terrorists are identified and caught.

### **GAO Report**

The recent GAO review of Terrorist Watchlist Screening provided some critical feedback to all agencies involved in the watchlisting process. The TSC is working with our partners in DHS and the FBI to:

- Identify a systemic approach to capitalize on all watchlisting opportunities, including in the private sector and with current and potential international partners;
- Continually review and update terrorist screening strategies; and
- Identify clear lines of responsibility and authority for terrorist screening.

### **GAO Report - Private Sector Screening**

Terrorist screening is currently conducted by an array of agencies protecting our nation's borders and our people from another terrorist attack. HSPD-6, HSPD-11 (Comprehensive Terror Related Screening Procedures) and their resulting initiatives, including the creation of the TSC, have greatly enhanced security at our borders. But simply enhancing border screening is not enough to identify those who may have already

successfully assimilated into our culture, become established within our society and placed themselves in positions of trust in the private sector. Such persons would have the ability to carry out attacks on our critical infrastructure that could harm large numbers of persons or cause immense economic damage. Private sector screening is therefore critical to ensuring we identify watchlisted persons working as, or who have access to, critical infrastructure facilities that could be used to harm the American public. HSPD-6 mandates that the terrorist watchlist be made available to support private sector screening processes that have a substantial bearing on homeland security. The TSC is working closely with DHS to finalize guidelines to support private sector screening and to fulfill the mandate of HSPD-6.

### **GAO Report - Use of the Watchlist**

As the GAO report states, TSC customers receive TSDB data that suits their individual agency needs. Which TSDB records are exported to a particular customer depends on that customer's mission, legal authority, resources, and other considerations. For example, U.S. Customs and Border Protection (CBP) receives over 98% of the records in the TSDB to screen against threats at our borders. CBP has by far the broadest criteria concerning TSDB data, and therefore receives the greatest number of TSDB records. Other TSC customers, such as the Department of State (which screens applicants for visas and passports), have different criteria tailored to their mission and screening needs and therefore receive slightly less data. The State Department's visa screening process, for example, does not check against TSDB records on American citizens or Legal Permanent Residents, because they are not required to have a visa to enter the U.S. The TSC also exports nearly two-thirds of the TSDB to the National Crime Information Center (NCIC), where it is made available to federal, state, county, tribal, and municipal law enforcement officers. The TSC also sends a portion of the TSDB to the Transportation Security Administration as the "selectee" and "no fly" lists for use in air passenger screening.

In FY 2006, as indicated in the GAO Report, 269 foreign persons were denied entry to our nation because they were determined to present an unacceptable risk of committing a terrorist act. Thousands of other individuals listed in the TSDB were encountered at our borders, or within the United States, and their whereabouts were made known to the FBI and other law enforcement agencies. These encounters often yield valuable information not only about the subject's whereabouts, but also his or her associates, interests, and intentions.

These, and all matches to the watchlist, significantly enhance the FBI's ability to accurately assess current threats, to identify intelligence gaps and opportunities, and to further existing investigations. In sum, they help to "connect the dots" and make safer those whom we are sworn to protect. Through data quality assurance methods, an extensive nominations process and the redress process, the TSC continues to work to ensure that its data remains accurate, current and comprehensive, thus efficiently meeting our customers' screening needs.

#### **OIG Report 07-41**

In addition to the feedback received from the GAO, the Department of Justice Office of the Inspector General (OIG) recently completed an audit. This audit focused on the data quality of the TSDB, including its nominations and redress processes. The report concluded that the TSC redress process was functioning well by providing appropriate resolutions to individuals' complaints and that the TSC had made significant improvements in its nominations and quality assurance processes since the previous audit in 2005. The report did find areas where the TSC needed to improve, and made 18 recommendations to the TSC and the FBI. The FBI and TSC's concurrent response, with the plan to address each recommendation, is included in Appendix V of the OIG report. The TSC agrees with each of the report's recommendations, and I am pleased to report the TSC has initiated corrective actions on each of these recommendations.

## **Conclusion**

In the four short years since its inception, the TSC has significantly enhanced the safety of the nation and has become a critical player in the war on terrorism. We are committed to achieving new heights, and continuing to make America a safer place through balancing terrorist screening and the rights of our fellow citizens. This can only be accomplished through a continuous process of internal and external review, and eternal vigilance. Chairman Thompson, Ranking Member King, and members of the Committee, thank you again for the opportunity to address this esteemed body, and I look forward to answering your questions.